IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SUO MOTU CONTEMPT PETITION NO.68 OF 2006

Shri P.K.Chavare ...Petitioner

Versus

Mr Shriram J. Bhide ...Respondent

Shri P.M.Huddar for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 20, 2007.

P.C.:

1. A report was submitted to this Court by learned Member of the Industrial Court, Pune alongwith which a reference under section 15(2) of the Contempt of Courts Act, 1971 was made to this Court. This Court in Writ petition No.3921 of 2005 directed the Industrial Court to appoint administrator under sub section 2 of section 28-A of the Trade Unions Act, 1926 during the pendency of the proceedings before the Industrial Court. Accordingly, one Mr. S.S.Budhkar was appointed as the administrator. The contemnor handed over bank cheque books, vouchers, statements of accounts, receipt books, proceeding book etc to the said administrator. According to the case of the said administrator, the contemnor refused to handover possession of the office premises of the Bank Karmachari Sangh and he only

offered to handover one set of keys of the office to the administrator by keeping another set with him. As the contemnor declined to handover possession of the office premises, the learned Member of the Industrial Court came to the prima facie conclusion that the contemnor has committed a civil contempt by refusing to handover the possession of the office premises.

2. The learned Advocate for the contemnor submitted that the letter dated 20th August, 2005 written by the contemnor to the administrator shows that the contemnor was ready and willing to handover the keys of the office premises to the administrator. He has placed on record further order dated 28th August, 2006 passed by the learned Member of the Industrial court below Exhibit UD-7 by which the administrator who was subsequently appointed in place of Shri Budhkar, has been discharged. He has also filed on record certified copy of the Application made by the said administrator on the basis of which the order dated 28th August, 2006 was passed. In the said Application, the administrator has mentioned that as per the order of the Industrial Court, he has handed over the charge of the newly elected president, secretary, joint secretary and treasurer of the Bank

Karmachari Sangh on 26th August, 2006. The said two documents are taken on record and marked "X" for identification (collectively).

3. In view of the aforesaid subsequent event, it is not necessary to take action against the contemnor under the Contempt of Courts Act, 1971. The notice issued against the contemnor is accordingly discharged. Petition is disposed of.

JUDGE